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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

LUIS TZUN-MAGANA,

Defendant.

No. CR 3:21-cr-00306-EMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
CONFERENCE**

Mr. Tzun-Magana filed a motion to dismiss in the above-captioned case, which was fully briefed in April 2022. An appeal on the same issue is pending before the Ninth Circuit in *United States v. Carrillo-Lopez*, Case No. 21-10233. At the last status conference, the parties agreed and the Court noted that the forthcoming opinion in that case would have a significant impact on the issues in Mr. Tzun-Magana's pending motion. At this time, it appears oral argument in the *Carrillo-Lopez* matter will be scheduled for December 2022. Mr. Tzun-Magana remains out of custody. Accordingly, the parties agree and request that the status conference currently scheduled for September 28, 2022, be continued until March 29, 2023, or as soon thereafter as it can be

1 heard. If the Ninth Circuit renders a decision in *Carillo-Lopez* before March 29, 2023, the parties
2 will reach out to the Court to set an earlier status conference.

3 Under 18 U.S.C. § 3161(h)(1)(D), the Court may appropriately exclude time for “delay resulting
4 from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other
5 prompt disposition of, such motion.” The parties stipulate that a continuance and exclusion of time from
6 September 28, 2022, to March 29, 2023, is therefore appropriate under 18 U.S.C. § 3161(h)(1)(D).

7
8 **IT IS SO STIPULATED.**

9
10 Dated: September 27, 2022

/s/

11 JODI LINKER
12 Federal Public Defender
13 Northern District of California
14 GABRIELA BISCHOF
15 Assistant Federal Public Defender

16
17 Dated: September 27, 2022

/s/

18 STEPHANIE HINDS
19 United States Attorney
20 Northern District of California
21 LAUREN HARDING
22 Assistant United States Attorney

23
24 **IT IS SO ORDERED.**

25
26 September 27, 2022

27 Dated

28

EDWINA M. CHEN

United States District Judge